

**ENTERED**

January 10, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

AARON BOOTH

Plaintiff.

VS.

GALVESTON COUNTY, ET AL.

Defendants.

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CIVIL ACTION NO. 3:18–CV–00104

**ORDER ADOPTING MAGISTRATE JUDGE’S MEMORANDUM AND  
RECOMMENDATION**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge Andrew Edison. Dkt. 151. The case was referred to Judge Edison pursuant to 28 U.S.C. § 636(b)(1). *See* Dkt. 102. Pending before Judge Edison was Galveston County’s First Amended Motion to Dismiss All Claims Pursuant to Rule 12(b)(6) (Dkt. 45); Magistrates’ Motion to Dismiss Pursuant to Federal Rule of Civil Procedures 12(b)(1) and 12(b)(6) and Brief in Support (Dkt. 46); District Court Judges’ Motion to Dismiss for Lack of Subject-Matter Jurisdiction and for Failure to State a Claim (Dkt. 47); Defendant Hon. Jack Roady’s Motion to Dismiss (Dkt. 48); District Court Judge Defendants’ Second Motion to Dismiss for Lack of Subject-Matter Jurisdiction (Dkt. 94); and Galveston County’s First Motion to Dismiss Pursuant to Rule 12(b)(1) (Dkt. 127).

On December 20, 2018, Galveston County filed its Objections (Dkt. 154). The next day, on December 21, 2018, all the other defendants filed their Objections (Dkts. 155–157). Booth filed responses to the defendants’ Objections (Dkts. 159–160). In accordance with 28 U.S.C. § 636(b)(1), this Court is required to “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection [has been] made.” After conducting this de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(3).

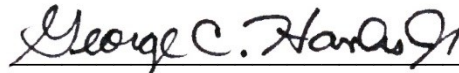
Based on the pleadings, the record and the applicable law, the Court **ACCEPTS** Judge Edison’s Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison’s Memorandum and Recommendation (Dkt. 151) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Galveston County’s First Amended Motion to Dismiss All Claims Pursuant to Rule 12(b)(6) (Dkt. 45) is **DENIED**;
- (3) Magistrates’ Motion to Dismiss Pursuant to Federal Rule of Civil Procedures 12(b)(1) and 12(b)(6) and Brief in Support (Dkt. 46) is **GRANTED in part and DENIED in part**. Specifically, the claims asserted against the Magistrates in their official capacities are **DISMISSED**. The motion is denied in all other respects;
- (4) District Court Judges’ Motion to Dismiss for Lack of Subject-Matter Jurisdiction and for Failure to State a Claim (Dkt. 47) is **GRANTED in part and DENIED in part**. Specifically, the claims asserted against the District Court Judges in their individual capacities are **DISMISSED**. The motion is denied in all other respects;
- (5) Defendant Hon. Jack Roady’s Motion to Dismiss (Dkt. 48) is **DENIED**;

- (6) District Court Judge Defendants' Second Motion to Dismiss for Lack of Subject-Matter Jurisdiction (Dkt. 94) is **DENIED**; and
- (7) Galveston County's First Motion to Dismiss Pursuant to Rule 12(b)(1) (Dkt. 127) is **DENIED**.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 10th day of January, 2019.

A handwritten signature in cursive script, reading "George C. Hanks Jr.", written in black ink over a horizontal line.

George C. Hanks Jr.  
United States District Judge